

# METROPOLITAN CONTROLS THIRD AVENUE DEAL IS COMPLETED!

## OLGA NETHERSOLE TO ACT "SAPHO" BEFORE GRAND JURY.

Case to Be Taken Up Tomorrow and Whole Scene to Be Rehearsed in Costume, It Is Reported.

The grand jury will take up the "Sapho" case tomorrow. This will be a remarkable proceeding in that Olga Nethersole and her entire company will appear before the grand jury in stage costume and present to the members of that august body the scene which is considered an offense to public decency and against which the crusade has been made by The World and the district attorney's office.

The act which has formed the principal theme in the testimony given before Magistrate Mott begins with a dance in the house of one of the characters. The language and gestures, it is contended, are unmistakable in their suggestion, "Sapho" recites a poem of erotic emotion, it is alleged.

Further, the heroine of the play begins her blarneyings upon the leading man, Jean Gausin, which leads to the story of their after-life.

Jealousy and a desire to ensnare the young man are the features of the first scene.

Next comes the celebrated "stairway" scene, in which, after a short parley, all of which is said to be suggestive, Jean is induced or impelled to carry his mistress up the winding steps to her room. The method of this episode, it is held, is indecent. The fact that the curtain descends as the pair vanish and is raised to show the bare stairway were also points brought out in the testimony before Magistrate Mott.

Lawyer Hummel will represent Miss Nethersole and her companions in the investigation.

Subpoenas have been issued for the witnesses who testified in Magistrate Mott's star chamber hearing.

The grand jury's investigation will be in charge of Assistant District Attorney O'Reilly, who had charge of the prosecution in the magistrate's court.

The original complaint was filed before Magistrate Mott by a citizen who swore that the production of the play "Sapho" at Wallack's Theatre by Miss Nethersole and her company constituted a violation of public decency. After a lengthy hearing Magistrate Mott found Miss Nethersole, Mr. Revelle and Manager Meas guilty and fined them.

Then Lawyer Hummel moved before Judge Furman, of the Supreme Court, for a jury trial and a certificate in that effect was granted him yesterday.

Should the grand jury investigation which begins to-morrow result in indictments, the defendants will be tried before a jury in either the Criminal Branch of the Supreme Court or in General Sessions.



## CAPT. THOMAS ACCUSES JUDGE ACTRESSES' MIND REVEL. Says His Detectives Were Deceived in Akron Millionaires and Stage Favorites Danced and Kicked Together.

Captain Thomas replied to Chief Devery's order for an investigation of statements that his police were present in Jefferson Market Police Court to press the charges against Akron and Smith, managers of the Tivoli and Arcadia dives.

After stating that the evidence was presented to Magistrate Thomas on March 15, Captain Thomas says:

Precinct Detective Harold A. Lockwood and Patrolman John Barry, and John L. Paulkner, Robert J. Binning and Chester A. Marvin attended court on the morning of March 15, and were told by Court Clerk James Doran that it was not necessary for them to be there, as it was merely to render a decision in the case, and that the decision was not to be given until the afternoon.

"However, the officers again went to the court in the afternoon, when they found that the decision had been given in the forenoon without the presence of the officers."

On receipt of Capt. Thomas's report President York sent to Jefferson Market Court for a transcript of the evidence, submitted by the officers to Magistrate Thomas.

One of the gayest and maddest revels ever enjoyed by the gay set of this city was held in the ballroom of an apartment house near Fifty-fifth street and Madison avenue on Saturday night—so it is being told in the clubs and on Wall street today.

Those who took part in the affair considered it a perfectly personal and confidential affair among "good fellows," but the news of it gradually leaked out. It was given in honor of a well-known actress and her friends, who were the guests of the night. The revels were held in a room which was known in the world of finance and who are among the "stars" of Wall street.

A well-known opera singer now in vaudeville is said to have been accompanied by a copper king. But copper was down at this affair; it was a carnival of gold and diamonds, with the sparkle of wine and the eyes of fair women.

It did not begin until after all the theatres were out. It did not end until Sunday began to dawn. It was brief, fast and furious, with the wild exhilaration of a long-run race.

As one gentleman admitted naively, "We fairly revelled the night and we had champagne suppers for breakfast."

## SHE STRUCK HER HUSBAND IN COURT; HE INSULTED HER.

When the 15-year-old defendant in a suit for non-support brought by his handsome young wife, Elizabeth, said in the Harlem Police Court before Magistrate Crane this afternoon that his wife was not fit to keep a dog she provoked a scandalous fight.

William, who is first officer of the Cuban Mail Steamship Company, accused his wife of infidelity and claimed the guardianship of their two small children. She replied that she gave her nothing to live on and the little boy and girl were in some county charge.

When Magistrate Crane adjourned the court pending investigation Mrs. William exclaimed: "My children shall never leave me. I'll kill them first and you, too, you villain." Two officers ran to hold her from again striking her husband.

## FIRST RACE AT NEW ORLEANS

FIFTH RACE—Admiral 11 to 5 and 9 to 10. Best "Horse" 3 to 1. Second, 10 to 1. Third, 10 to 1.

## NO NEWS OF STEAMER PAULLAC

The "Steamer" freighter *Alexander Bixio*, Capt. Lomeline, arrested here to-day (Wed.) with merchandise consigned to the French line, Capt. Lomeline reported to M. Buzard, the agent of the French line in this city, that he had seen the ship out of his course, with extra looking for the missing freighter *Paullac*, of the same line. He said that he had seen no signs of her.

## SCOW TRIMMING CONTRACT AWARDED

The Board of Estimates and Appropriations today awarded a contract for scow trimming to the firm of the paper refuse yard at the foot of East 125th street. The trimming contract went to George W. Hyatt at \$1,750 a week. The Board also awarded the paper contract.

## BOYS INVAD A MUSIC HALL

A group of boys invaded a music hall for breaking into a music hall this morning. They ran up the rain pipe and got through a window. They were from the neighborhood of the old Magistrate Crane, first two of the \$5 and the two months and two three months.

## COWING TELLS POLICE TO GET BIG GAMBLERS

Judge Cowing, before whom six gambling cases are being tried today in Part IV of General Sessions, reminded the character of the defendants and the nature of their offenses, declared that the police should "go up higher" and arrest the big gamblers who make millions a year out of the vice.

The cases of trial are in charge of Assistant District Attorneys Horowitz and Connor, and are what is known around the Criminal Court as "breach" cases.

The first one called was that of Antonio Ciani, who keeps a place on 2nd Third avenue. Policeman Stallings testified that he had dropped his revolver in a machine in the place and had won a clear. The jury acquitted Ciani.

Frank Chappell, a "big" owner of 38 1/2th One Hundred and Fourth street, arrested by the same policeman, was charged with a similar offense. He was also acquitted.

Giovanni Lovaglio, of 23 East One Hundred and Fourth street, who ran a penny machine, and into which Policeman Stallings had dropped his coin, was found guilty; but the jury recommended mercy. Judge Cowing fined him \$5 and then, raising his voice, made this address:

"It seems to be the opinion of the jury that they should not convict in these cases, as it appears to them, and very justly, that it is only the small fry that are arrested and brought into court for trial."

"In every gambling case, and also in every liquor case brought into this court, it is always some poor foreigner, who is always a woman with five or six small children, or a poor man who is relying on a bare living for a large family and who has nothing behind him."

"Why don't you," nodding at the policeman, "go after the big fellows, who some of the jurors apparently believe are making thousands of dollars—yes, millions of dollars—out of this vice?"

"However, the case is a violation of the law, and the impression must not go out that during in general Sessions men guilty of such crime can go free."

The courtroom was crowded with jurors, lawyers and spectators and the remarks of the Judge created a profound impression.

## FIRST MOVE IN STREET RAILWAY COMBINE.

## KRUGER RALLIES HIS BURGHERS.

Addresses a Huge War Meeting at Kroonstadt Urging Fight.

LONDON, March 21.—A despatch from Pretoria received here to-day says that President Kruger and Steyn addressed a huge camp meeting at Kroonstadt, at which it was resolved to make a fierce defense against the British.

Military experts regard this as corroborating their opinion that the most desperate fighting of the war is yet to come. Lord Roberts's advance will be contested and a last grand stand will be made at Pretoria.

At the meeting at Kroonstadt the Transvaal President made an impassioned appeal to the burghers to maintain their gallant fight for freedom. He told them that it was certain the ultimate result of the war would be that the Boer Republics would retain their independence despite the temporary British occupation of Bloemfontein.

President Steyn followed and told the burghers that the Free State was far from conquered because its capital had been occupied by the British. He informed the burghers that England had definitely refused to allow the republics to remain independent States. Therefore all the republics had to do now was to fight to the last.

He said that in the six months the war had been going on the Boers had lost less than 1,000 men killed, and that the fighting was really commencing now. As President he warned the Free State burghers not to believe Lord Roberts's proclamation and accept his invitation to lay down their arms.

He assured them that the English had failed on every occasion to keep the solemn treaties they had made. He closed by urging the burghers to place their trust in God.

## LIVELY FIGHTING NOW NORTH OF KIMBERLEY.

LONDON, March 21.—The only news from South Africa showing activity on either side comes from the north, north of Kimberley, where desultory fighting occurred all Sunday, resulting in the retreat of the Boers toward Christiansburg, under shell fire.

The progress of this column toward Mafeking has either almost entirely ceased or is forbidden to be mentioned in despatches. Nothing new comes from Col. Plumer, and Mafeking, apparently, still awaits relief.

The Pretoria account of the skirmish at Fourteen Streams, March 18, says that a Boer commando was preparing to destroy a railway bridge and that the engagement lasted half an hour, with the result that one boogie was slightly wounded. The same despatch announces the arrival at the Transvaal capital of Gen. Schalk Burger, from Natal.

The second edition of the Times to-day publishes a despatch from Bloemfontein dated Monday, March 19, which says: "The blowing up of bridges by the Boers is an evident sign that the Transvaal intend to abandon the defense of the Free State."

As is quiet in the south and west, a corps of young Boers from the farms surrounding Bloemfontein, under an imperial officer, has been detailed for police work and to prevent the further looting of abandoned farms by the Kaffirs.

It is said that when President Kruger left Bloemfontein, after his recent visit there, President Steyn's parting remark was:

"Mind the British do not catch you, or you will get better quarters at St. Helena than I."

The Boers at Aliwal North are reported to be still holding a position in the big hills on the Free State side.

From a Pretoria despatch it appears some misunderstanding regarding Lord Salisbury's reply to America's offer of mediation exists there.

It had been quoted to the effect that Lord Salisbury said he could accept the intervention of no other power, which leads to the belief that the American representatives would be listened to in the final settlement.

Private cable from the Canadian whom the Queen visited at Netley Hospital, returned to South Africa to-day, fully recovered from his wounds.

## REFUSES TO AID BOERS.

Swiss Government Says It Cannot Mediate Because of Britain's Attitude.

BERNE, Switzerland, March 21.—The Federal Council has answered the Boer appeal for mediation as follows:

"The Swiss Federal Council would have been pleased to cooperate in friendly mediation in order to end further bloodshed, but, as the Presidents of both South African Republics have directly approached the British Government in order to conclude peace on a basis indicated and the British Government has shown itself against the proposal, and as, furthermore, the British Government has declared to the Cabinet at Washington that it did not wish to mediate, which"

## Third Avenue Stock Again Soared To Day and Unhappy Shorts Face a Difficult Situation.

The Metropolitan Railroad Company formally took control of the Third Avenue road to-day.

On demand, the majority of the Board of Directors of the wicked concern tendered their resignations and members of the Metropolitan Syndicate, headed by William C. Whitney, were substituted in their places.

At the meeting of the directors of the Third Avenue Railroad Company the following directors resigned: John B. Parsons, W. H. Curtis, David C. Andrews, Alexander Hadden, John Byrne, John H. Waydell, G. Howland Leavitt.

The following were elected directors: H. H. Woodland, president pro tem; Harry Hart, vice president; William C. Whitney, Edward Lauterbach, Thomas P. Ryan, Albert J. Elias, John D. Crimmins, Henry Eden, Frank B. Schlegel, Charles Remsen, Walter Johnson, Samuel Riker and Edward M. Burghard.

This was the first move in the absorption plan, Mr. Whitney said this afternoon.

"This is our first move to take over the Third Avenue property. As we are in control of the corporation we naturally want our own Board of Directors."

"The new Board of Directors will immediately set out to formulate a plan for the funding of the debt of the road. Our future actions have not been thoroughly mapped out as yet and it will be some months before we will ask the courts to relieve Receiver Grant of his duties."

## THIRD AVENUE'S BOOM.

Third Avenue stock went up like a skyrocket as soon as the market opened this morning.

Last night's closing price was 100 1/4. The stock opened to-day at 100 and then dropped to 100 1/2.

Heavy transactions in the stock sent the price flying upward, and half an hour after the opening it was quoted at 112.

On Monday last Third Avenue closed at 85. On Tuesday it opened at 90 and then came the sensational upward movement. In twenty-four hours therefore Third Avenue stock went up twenty-seven points.

During the early heavy transactions the excitement was intense. Fortune were won and lost in a moment, and all eyes were turned on the traction stocks. Metropolitan jumped three points; Manhattan 2 1/4 and Brooklyn Rapid Transit 2.

Then came a lull, and Third Avenue dropped to 100 1/4 on several small transactions.

## MR. LAUTERBACH'S STORY.

"It is true that Henry Hart has a call on 32,000 shares of the Third Avenue stock at par, but it is not true that James H. Keene has absolute control of that stock," said Edward Lauterbach, the legal adviser of the Third Avenue's chief stockholder.

"When the Third Avenue interest was threatened, Mr. Hart's holdings were placed in charge of a pool for protection. That pool consists of eight or nine of the most responsible Wall street houses. The stock is still in their hands and they are the protective custodians of it."

"Not one share of that could be touched without the consent of all the parties concerned. It is therefore manifestly absurd to say that any one has covered his Third Avenue stock against with the stock belonging to Mr. Hart."

"It would be illegal for him to do it, would it not?" asked the *World* man.

"I will take care of Mr. Hart's interests," said Mr. Lauterbach.

"I believe that every penny's worth of stock that has been contracted to be sold to the Metropolitan Railroad Company will be delivered," said Mr. Lauterbach. "The company will be delivered."

## WEATHER FORECAST.

Forecast for the thirty-six hours ending 8 P. M. Thursday, March 22, for New York City and vicinity: Fair and continued cold to-night and Thursday; fair and warmer Friday; much to be desired.